

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

ELDRIDGE ROOSEVELT MEEKS, III,
Plaintiff

V.

THE CITY OF DANVILLE

and

**JACOB AMOS, LARRY DWAYNE LAND,
JOHN PULLEY, JONATHAN EPPS,
TODD HAWKINS and WILLIAM SHIVELY,
*in their individual capacities***

and

**JOHN DOES 1-10,
*Defendants.***

CASE NO. 4:20-cv-00029-JLK

MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION TO STRIKE
DEFENDANTS’ PLEA IN BAR

COMES NOW the Plaintiff, by counsel, in support of Plaintiff's Motion to Strike Defendants' Plea in Bar to-wit:

**THE FEDERAL RULES OF CIVIL PROCEDURE DO PERMIT THE FILING OF A
PLEA IN BAR**

F.R.C.P Rule 7(a) limits the filing of pleadings. Absent leave of court, only complaints and answers are permitted. All other requests for court orders must be made by motion. Consequently, the Defendants' Plea in Bar (Dkt. 8) is an impermissible pleading and must be stricken. Notwithstanding his Motion, the Plaintiff will file a Memorandum in Opposition to the Plea in Bar as if it were a Rule 12(b)(6) motion.

CONCLUSION

WHEREFORE the Plaintiff moves this Court to strike the Defendants' Plea in Bar.

Respectfully submitted,

ELDRIDGE ROOSEVELT MEEKS, III
By Counsel

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By: /s/ M. Paul Valois
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Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2020, I electronically filed the foregoing Memorandum with the Clerk of this Court using the CM/ECF system, which will automatically send notice of this filing to:

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